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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,910	01/16/2004	Bill C. Panagos	LEAR 04796 PUS	7071

34007 7590 12/27/2005

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EXAMINER

SPISICH, GEORGE D

ART UNIT PAPER NUMBER

3616

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/758,910	PANAGOS ET AL.	
	Examiner	Art Unit	
	George D. Spisich	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/9/04, 4/8/05</u> | 6) <input checked="" type="checkbox"/> Other: <u>IDS 7/29/05</u> |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,6-9,11,12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/06426.

WO '426 discloses an assembly for a vehicle seat comprising an air bag module including an inflatable air bag (32), a trim cover (25a) that covers at least a portion of the air bag module having a deployment seam (40) for allowing the airbag to deploy through the trim cover, and an air bag deployment member (50a, 50b) that substantially circumscribes the air bag module, the deployment member (as best seen in Figs. 1 and 5B) is connected to the trim cover on only one side of the deployment seam. There is a frame (23, 28, 28a) and the air bag module is supported by the frame.

There is shown (see Fig. 5B) the deployment member having first and second ends, the first end being connected to the trim cover (as one of the ends contacts the trim cover) and the second end being connected to a portion of the deployment members proximate the first end (as the second end contacts the inner side of the first end). They are considered connected in the claimed manner especially as the stitching

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allows for the first end to be connected to the trim cover and the second end to be connected to the first end. The second end of the deployment band is not connected directly to the trim cover.

The deployment member comprises a one piece band.

The air bag module further includes an inflator (33) and a housing or covering member (31) that substantially surrounds the air bag and the inflator.

The deployment member is considered to have a first section being connected to the trim cover and extending toward a first side of the air bag module and a second section connected to the first section at a location proximate the trim cover and extending toward a second side of the air bag module. (The member need not be separate to be considered to have first and second sections or having these sections "cooperate"). The first and second section of the deployment device "cooperate" to substantially surround the air bag module.

As the frame member is considered 23, 28 and 28a, at least one of the sections of the deployment device is connected to the frame.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO '426 in view of Brown (USPN 6,206,410).

WO '426 has been discussed in the rejection above, however, WO '426 does not disclose the deployment member comprising multiple pieces.

Brown discloses a seat airbag module arrangement that deploys through a seam in a trim cover. Brown discloses a deployment member (18) that circumscribes the airbag module and this deployment member is made of multiple pieces and then stitched (60) near the mount of the air bag module. This arrangement is disclosed as an easier way to make and assemble the element.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deployment member of WO '426 by making the deployment member in multiple pieces that are connected together as taught by Brown for the ease of manufacturing and/or assembly of the elements.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO '426 in view of Homier et al. (USPN 5,967,546).

WO '426 has been discussed in the rejection. Although it may broadly be considered that WO '426 shows a frame for supporting the air bag module and the deployment member "at least partially" surrounds the frame since the deployment member contacts a substantial portion, Examiner is relying on Homier et al. for a clear representation of a deployment member that at least partially surrounds the frame.

Homier et al. discloses a seat air bag module having a frame (20) for supporting the air bag module, and wherein the deployment member (26) at least partially surrounds the frame. Homier et al. teaches the inclusion of the frame/mount within the deployment member and provides the arrangement in an enclosed environment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the arrangement of WO '426 so as to provide the deployment member to encompass the frame/mount as taught by Homier et al. so as to provide an enclosed environment for the airbag module.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO '426 in view of Wu (USPN 6,045,151).

WO '426 has been discussed in the prior rejection, and although it may be considered that the reference includes a housing having first and second portions that "are movable away from each other" as they only are required to have the ability to do so to meet this language, and the first and second sections of the deployment device are fastened to the housing, Examiner is not relying on this reference for these limitations.

Wu discloses a seat air bag arrangement having a deployment member (86) having first and second sections (as previously discussed these sections need not be separate) circumscribing the air bag module and a housing (72) that at least partially surrounds the air bag, the housing including first and second housing portions (again, the need not be separate portions) that are movable away from each other (col. 4, lines

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46-48) this member is designed to rupture during deployment and therefore "movable away from each other" and the first section of the deployment device is connected (fastened) to the first housing portion and the second section of the deployment device is connected (fastened) to the second housing portion. These pieces cooperate to allow for the proper deployment of the air bag.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag arrangement of WO '426 to include a housing having first and second portions that are movable away from each other during deployment and having the deployment device connected to the housing portions as taught by Wu, so as to properly enclose the air bag arrangement and ensure the proper deployment of the air bag.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lachat et al. (USPN 6,293,580), Holdampf et al. (USPN 6,382,665), Harada et al. (USPN 6,439,597).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich
December 19, 2005



12/22/05
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600